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May 1, 2009

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Honorable Paul S. Diamond  
U.S. District Court for the Eastern District of Pa.  
6613 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

**FILED**

MAY 10 2009  
MICHAEL E. KUNZ, Clerk  
Dep. Clerk

Re: Maximino M. Estrada, individually and as  
Administrator of the Estate of Yolanda A. Carias-Santos  
v. Home Depot USA, Inc., Honda North America, Inc.  
and MTA Distributors, Inc.  
Civil Action No. 08-4367  
Our File No. 2886

Dear Judge Diamond:

Defense counsel suggested, and I agreed on behalf of Plaintiff, that some additional time might be necessary to complete the discovery depositions in this matter. We are currently operating under a deadline to complete discovery depositions by May 18, 2009. Unfortunately, given the extremely busy trial schedules of all counsel and associates from the defense firms also tied up for coverage, several depositions have been tentatively scheduled beyond the May 18 current deadline for your approval for an additional forty-five-day extension through June 30.

All counsel convened at the Home Depot store in Wyomissing on April 20 for a view and photography of the location where Yolanda Carias-Santos rented the generator and carpet cleaning equipment. From there we proceeded to my office for the deposition of Todd Beamesderfer. His testimony was not concluded and is tentatively rescheduled for completion on May 22.

The deposition of the Home Depot store manager, James Wanzer, was conducted and concluded on April 28, 2009.

I requested the deposition testimony of Henry Procopio of MTA, who signed the verification for discovery responses. I also requested either David A. Harrington, President of MTA or Charles M. Dunn, Vice President, whose signatures appear on various vendor agreements supplied in MTA's document responses. Attorney Lachat has agreed to produce Harrington or Dunn in Philadelphia to avoid travel to Atlanta. The testimony of Mr. Procopio and Dunn/Harrington is tentatively scheduled for May 11 with May 15 as a back-up date to conclude that testimony.

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The deposition of another Home Depot employee, James Smith, who was the employee assisting Ms. Carias-Santos the day of the rental of the equipment, is scheduled to occur May 29 at 9:30 a.m. in my office.

Honda is producing a corporate designee on labeling issues June 4 as a tentative date in Philadelphia. Defense counsel has requested to take depositions of two sisters of Ms. Carias-Santos, Priscilla and Liliana Carias-Santos, with interpreters scheduled for June 5 in my office. Defense counsel also desires to depose a neighbor who was on site the evening Ms. Carias-Santos was discovered by police, Darlene Zornek, to be set for June 5 or June 9 in my office.

Plaintiff desires to depose Carl Rumbalski, who was Tool Rental Department Head December 24, 2007 and identified by Home Depot as the person who trained and supervised Todd Beamesderfer and James Smith. Mr. Rumbalski is no longer employed at Home Depot, but Home Depot has agreed to produce Mr. Rumbalski. Attorney Dubrow has advised that Mr. Rumbalski is employed by Geo Search Logging as a geologist and is frequently out-of-town working on natural gas wells. Mr. Rumbalski needs as much advance notice as possible. All counsel will be tentatively holding June 9, 2009 for his testimony to occur in my office.

I have also been in contact with Attorneys Dubrow and Alexander regarding additional documents they agreed to produce since the last time we met with the court. The Plaintiff is satisfied counsel are working diligently with my expectation the additional documents will arrive within one week and in time for the additional depositions noted above.

Defense counsel mentioned that I could represent their consent to a revised Scheduling Order for the additional discovery depositions to be completed. All counsel would be available for a telephone conference to the extent you wish to discuss such matters. We all appreciate the indulgence of the court and share the court's desire that the parties move forward to complete their discovery with all due diligence.

Respectfully yours,

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